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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' PENSION
TRUST FUND, GIL CROSTHWAITE and
RUSS BURNS, as Trustees,

Plaintiffs,

vs.

RICHARD S. TUCKER, INC., a California
Corporation, and RICHARD S. TUCKER, as
an individual,

Defendants.

Case No.: C08-3611 JCS

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: July 31, 2008

Respectfully submitted,

SALTZMAN & JOHNSON
LAW CORPORATION

_____/s/_____
Shaamini A. Babu
Attorneys for Plaintiff